#### (19) World Intellectual Property Organization International Bureau



(43) International Publication Date 25 November 2004 (25.11.2004)

(10) International Publication Number WO 2004/100997 A3

(51) International Patent Classification7: 38/00

A61K 47/48,

(21) International Application Number:

PCT/US2004/014887

(22) International Filing Date: 12 May 2004 (12.05.2004)

(25) Filing Language:

English

(26) Publication Language:

English

(30) Priority Data: 60/469,996

12 May 2003 (12.05.2003)

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- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM,

AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI. GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

#### Published:

- with international search report
  - before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments
- (88) Date of publication of the international search report: 19 May 2005

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: SPACER MOIETY FOR POLY(ETHYLENE GLYCOL) -MODIFIED PEPTIDES

(57) Abstract: The present invention relates to a compound comprising a peptide moiety, a spacer moiety and a water-soluble polymer moiety such as a poly(ethylene glycol) moiety. The spacer moiety is between the peptide moiety and the water-soluble polymer moiety. The spacer moiety has the structure: -NH-(CH<sub>2</sub>) $_{\sigma}$ -[O-(CH<sub>2</sub>) $_{\beta}$ ] $_{\Upsilon}$ O $_{\delta}$ -(CH<sub>2</sub>) $_{\epsilon}$ -Y- wherein  $\alpha$ ,  $\beta$ ,  $\gamma$ ,  $\delta$ , and  $\epsilon$  are each integers whose values are independently selected.

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A61K47/48 A61K38/00

According to International Patent Classification (IPC) or to both national classification and IPC

#### B. FIELDS SEARCHED

 $\label{lem:minimum} \begin{array}{ll} \text{Minimum documentation searched (classification system followed by classification symbols)} \\ IPC \ 7 & A61K \end{array}$ 

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X .	US 4 179 337 A (DAVIS FRANK F ET AL) 18 December 1979 (1979-12-18)	1,5,7,9, 10,16, 20,22, 24,25, 33,35
	the whole document	
X	WO 00/33881 A (ORSOLINI PIERO ; DEBIO RECH PHARMA SA (CH); CALICETI PAOLO (IT); SCHIA) 15 June 2000 (2000-06-15)	1,2,5,7, 9,10,12, 16,17, 20,22, 24,25, 27, 31-33,35
	the whole document	,
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"T" later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such document is combined with one or more other such document in the art.  "&" document member of the same patent family
Date of mailing of the international search report
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Authorized officer  Vogt, T

C.(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	10170020047014007		
Category °		Relevant to claim No.		
X	WO 92/16555 A (ENZON INC) 1 October 1992 (1992-10-01)	1,2,5,7, 9,10,16, 17,20, 22,24, 25, 31-33,35		
	the whole document			
<b>X</b> .	WO 00/24770 A (AMGEN INC) 4 May 2000 (2000-05-04)	1,5,7,9, 11-13, 16,20, 22,24, 26-28, 30,33,35		
	sequence 18			
X	WO 98/25965 A (GLAXO GROUP LTD; BALASUBRAMANIAN PALANIAPPAN (US); DEPRINCE RANDOLPH) 18 June 1998 (1998-06-18)	1,5,7,9, 11-13, 15,16, 20,22, 24, 26-28, 30,33,35		
	the whole document			
X	WO 96/40772 A (JOHNSON & JOHNSON; JOHNSON DANA L (US); ZIVIN ROBERT A (US)) 19 December 1996 (1996-12-19)	1,5,7,9, 10, 12-14, 16,17, 20,22, 24,25, 27-29, 33,35		
	the whole document	,		
Α	WO 96/40750 A (GLAXO GROUP LTD; GATES CHRISTIAN M (US); JOHNSON SHERRIL S (US); WRIG) 19 December 1996 (1996-12-19) the whole document			
A	WRIGHTON N C ET AL: "INCREASED POTENCY OF AN ERYTHROPOIETIN PEPTIDE MIMETIC THROUGH COVALENT DIMERIZATION" NATURE BIOTECHNOLOGY, NATURE PUBLISHING, US,			
-	vol. 15, 1 November 1997 (1997-11-01), pages 1261-1265, XP000749524 ISSN: 1087-0156			
	the whole document			
	-/			
	·			
j		4		

etion) DOCLIMENTS CONSIDERED TO BE RELEVANT	101/032004/01400/			
ation) DOCUMENTS CONSIDERED TO BE RELEVANT  Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.			
GREENWALD R B ET AL: "Effective drug delivery by PEGylated drug conjugates" ADVANCED DRUG DELIVERY REVIEWS, AMSTERDAM, NL, vol. 55, no. 2, 10 February 2003 (2003-02-10), pages 217-250, XP002275066 ISSN: 0169-409X the whole document	1-3,5, 10,12, 16-18, 20,25, 27,33,35			
GREENWALD RICHARD B ET AL: "Controlled release of proteins from their poly(ethylene glycol) conjugates: Drug delivery systems employing 1,6-elimination." BIOCONJUGATE CHEMISTRY, vol. 14, no. 2, 3 April 2003 (2003-04-03), pages 395-403, XP002318263 ISSN: 1043-1802 the whole document	1,2,5-7, 9,10,16, 17,20, 22,24, 25, 31-33,35			
US 2002/015691 A1 (GREENWALD RICHARD B ET AL) 7 February 2002 (2002-02-07) the whole document				
WO 96/40189 A (GLAXO GROUP LIMITED; DOWER, WILLIAM, J; BARRETT, RONALD, W; CWIRLA, ST) 19 December 1996 (1996-12-19) the whole document				
WO 00/24782 A (AMGEN INC) 4 May 2000 (2000-05-04) the whole document	·			
US 6 113 906 A (GREENWALD ET AL) 5 September 2000 (2000-09-05) the whole document	,			
WO 02/065988 A (ENZON, INC) 29 August 2002 (2002-08-29) the whole document				
WO 2004/014424 A (ENZON INC) 19 February 2004 (2004-02-19)	1-3,5, 10,12, 16-18, 20,25, 27,33,35			
the whole document				
WO 2004/101600 A (AFFYMAX, INC; YIN, KEVIN; HOLMES, CHRIS; LALONDE, GUY; BALU, PALANI; T) 25 November 2004 (2004-11-25) the whole document	1-36			
	GREENWALD R B ET AL: "Effective drug delivery by PEGylated drug conjugates" ADVANCED DRUG DELIVERY REVIEWS, AMSTERDAM, NL, vol. 55, no. 2, 10 February 2003 (2003-02-10), pages 217-250, XP002275066 ISSN: 0169-409X the whole document  GREENWALD RICHARD B ET AL: "Controlled release of proteins from their poly(ethylene glycol) conjugates: Drug delivery systems employing 1,6-elimination." BIOCONJUGATE CHEMISTRY, vol. 14, no. 2, 3 April 2003 (2003-04-03), pages 395-403, XP002318263 ISSN: 1043-1802 the whole document  US 2002/015691 A1 (GREENWALD RICHARD B ET AL) 7 February 2002 (2002-02-07) the whole document  WO 96/40189 A (GLAXO GROUP LIMITED; DOWER, WILLIAM, J; BARRETT, RONALD, W; CWIRLA, ST) 19 December 1996 (1996-12-19) the whole document  WO 00/24782 A (AMGEN INC) 4 May 2000 (2000-05-04) the whole document  US 6 113 906 A (GREENWALD ET AL) 5 September 2000 (2000-09-05) the whole document  WO 02/065988 A (ENZON, INC) 29 August 2002 (2002-08-29) the whole document  WO 2004/014424 A (ENZON INC) 19 February 2004 (2004-02-19)  the whole document  WO 2004/101600 A (AFFYMAX, INC; YIN, KEVIN; HOLMES, CHRIS; LALONDE, GUY; BALU, PALANI; T) 25 November 2004 (2004-11-25) the whole document			



		1 1/0320	2004/01488/					
C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT								
Category °	egory ° Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No.							
E	WO 2004/101606 A (AFFYMAX, INC; YIN, KEVIN; HOLMES, CHRIS; LALONDE, GUY; BALU, PALANI; S) 25 November 2004 (2004-11-25) the whole document		1-36					
E	WO 2004/101611 A (AFFYMAX, INC; YIN, KEVIN; HOLMES, CHRISTOPHER; LALONDE, GUY; BALU, PAL) 25 November 2004 (2004-11-25) the whole document	,	1-36					
E	WO 2004/108070 A (ENZON, INC; ZHAO, HONG; GREENWALD, RICHARD, B) 16 December 2004 (2004-12-16) the whole document		1-36					
	·							
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	·							
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# International application No. PCT/US2004/014887

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)
This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1. X Claims Nos.: 1-36 (partly) because they relate to subject matter not required to be searched by this Authority, namely:  see FURTHER INFORMATION sheet PCT/ISA/210
Claims Nos.:     because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
see additional sheet
As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark on Protest  The additional search fees were accompanied by the applicant's protest.  X  No protest accompanied the payment of additional search fees.

#### FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

#### Continuation of Box II.1

The specific specific peptide sequences disclosed in the examples of the present application have, according to PCT Rule 13ter.1.c, not been searched since the Sequence Listing as present in the description does not comply with WIPO Standard ST 25 prescribed in the administrative instructions under Rule 5.2. The Sequence Listing has been furnished neither in paper form nor in machine readable form as provided for in the same instructions and the applicant has not remedied the disclosed deficiencies within the time limit fixed in the invitation pursuant to PCT Rule 13ter.1.a.

#### FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

Invention 1: 1,2,5-17, 20-30, 33-36 (all partial), and 31 and 32 (complete)

A conjugate comprising a peptide, a spacer and a water soluble polymer, wherein the spacer moiety is of formula: -NH-(CH2)n-Y. (hence, both .gamma. and .delta. are equal to o).

Invention 2: claims 1,2,5-17 and 20-30, 33-36 (all partial), and claims 2-4 and 17-19 (complete)

A conjugate comprising a peptide, a spacer and a water soluble polymer, wherein the spacer moiety is of the formula: -NH-(CH2)a-'0-(CH2)b!g-0d-(CH2)e-Y, wherein at least one of .gamma. or .delta. is larger then, or equal to, 1, thus forming a spacer having at least one -0-.

Information on patent family members

					<u>_</u>	017 032	004/01408/
	atent document d in search report		Publication date		Patent family member(s)		Publication date
US	4179337	A	18-12-1979	CA CH DE FR GB JP JP NL SE SE	1033673 616942 2433883 2313939 1469472 1152589 50042087 56023587 7409770 441753 7409366	A5 A1 A C A B A B	27-06-1978 30-04-1980 05-02-1976 07-01-1977 06-04-1977 30-06-1983 16-04-1975 01-06-1981 22-01-1975 04-11-1985 21-01-1975
WO	0033881	A	15-06-2000	EP AU AU CA DE EP WO JP US	1008355 283068 757665 1402800 2354868 69922245 1137442 0033881 2002531529 6790942	T B2 A A1 D1 A1 A1 T	14-06-2000 15-12-2004 27-02-2003 26-06-2000 15-06-2000 30-12-2004 04-10-2001 15-06-2000 24-09-2002 14-09-2004
WO	9216555	A	01-10-1992	AU CA EP JP WO	1676992 2101918 0576589 6506217 9216555	A1 A1 T	21-10-1992 19-09-1992 05-01-1994 14-07-1994 01-10-1992
WO	0024770	A	04-05-2000	AU AU BG BR CN CZ EP HU JP NO NZ PL WO US ZA	773891 1223900 105401 9914698 2346996 1325447 20011287 3998 1124961 0104327 2002536960 20011962 510529 348041 4962001 0024770 6835809 200102102	A A A A A B A A A A A A A A A B A B A B	10-06-2004 15-05-2000 28-02-2003 07-01-2003 04-05-2000 05-12-2001 17-10-2001 25-12-2003 22-08-2001 28-02-2002 05-11-2002 21-06-2001 31-10-2003 06-05-2002 03-12-2001 04-05-2000 28-12-2004 15-11-2001
	9825965	. <b>A</b>	18-06-1998	US AU BR CA CN WO EP HR JP	5869451 725731 5854798 9713914 2274149 1245504 9825965 0948539 970683 2001505898	B2 A A A1 A A2 A2 A1	09-02-1999 19-10-2000 03-07-1998 29-02-2000 18-06-1998 23-02-2000 18-06-1998 13-10-1999 31-10-1998 08-05-2001

Information on patent family members

							004/01466/
	atent document d in search report		Publication date		Patent family member(s)		Publication , date
WC	9825965	Α .		TR TR TW US US ZA	9901971 200401638 515804 6121238 6506362 9711045	B T2 B B B A B B1	21-12-1999 22-11-2004 01-01-2003 19-09-2000 14-01-2003 09-06-1999
WO	9640772	A	19-12-1996	US AU AU CA EP JP WO	5767078 732294 6100796 2228277 0892812 2000513320 9640772	B2 A1 A2 T	16-06-1998 12-04-2001 30-12-1996 19-12-1996 27-01-1999 10-10-2000 19-12-1996
WO	9640750	A	19-12-1996	AU AU AU BRA CN CZA EPR HULPP NOZ PR WOOSS SUUS AU USS	6046696 704215 6163496 9608587 2223449 1192749 9703897 1220 0885242 960256 9900921 122102 3059218 10507776 975705 310778 323917 9701526 518341 9640189 9640750 6121238 6251864 6465430 5869451 6506362 6083913 9604814	B2 A A A1 A3 B1 A1 A2 A B2 T A A1 B1 A1 B1 A1 B1 A1 A1	30-12-1996 15-04-1999 30-12-1996 05-01-1999 19-12-1996 09-09-1998 17-06-1998 25-12-2000 23-12-1998 28-02-1998 28-07-1999 25-07-2002 04-07-2000 28-07-1998 05-02-1998 28-10-1999 27-04-1998 21-03-1998 21-01-2003 19-12-1996 19-09-2000 26-06-2001 15-10-2002 09-02-1999 14-01-2003 04-07-2000 09-02-1998
US 	2002015691	Å1	07-02-2002	NONE			
WO	9640189	A	19-12-1996	AU HR WO AU EP WO AU AU BR CA CN CZ	6046696 960256 9640189 6381896 0842293 9640987 704215 6163496 9608587 2223449 1192749 9703897	A1 A1 A1 A1 B2 A A	30-12-1996 28-02-1998 19-12-1996 30-12-1996 20-05-1998 19-12-1996 15-04-1999 30-12-1996 05-01-1999 19-12-1996 09-09-1998 17-06-1998

Information on patent family members

<del></del>		1 (7 032004/ 01488/			
Patent document cited in search report	Publication date		Patent family member(s)	Publication date	
WO 9640189 A		EA EP HU JP JP NO NZ PL TR TW WO US US US US US	1220 B1 0885242 A1 9900921 A2 122102 A 3059218 B2 10507776 T 975705 A 310778 A 323917 A1 9701526 T1 518341 B 9640750 A1 6121238 A 6251864 B1 6465430 B1 5869451 A 6506362 B1 6083913 A 186068 A1	25-12-2000 23-12-1998 28-07-1999 25-07-2002 04-07-2000 28-07-1998 05-02-1998 28-10-1999 27-04-1998 21-03-1998 21-01-2003 19-12-1996 19-09-2000 26-06-2001 15-10-2002 09-02-1999 14-01-2003 04-07-2000 16-06-2001	
WO 0024782 A	04-05-2000	ZA  US AU AU	9604814 A 6660843 B1 767725 B2 1232200 A	09-02-1998  09-12-2003 20-11-2003 15-05-2000	
 US 6113906 A	05-09-2000	AU BG BR CN EP HJP NOZ SWO US	1232200 A 105461 A 9914708 A 2347131 A1 1331701 T 1144454 A2 0203506 A2 2003512011 T 20011963 A 510888 A 5252001 A3 0024782 A2 2004044188 A1 2004053845 A1 2004057953 A1 2004057953 A1 2004077022 A1 200102753 A	15-05-2000 30-04-2003 16-07-2002 04-05-2000 16-01-2002 17-10-2001 28-02-2003 02-04-2003 21-06-2001 30-01-2004 03-12-2002 04-05-2000 04-03-2004 18-03-2004 15-04-2004 25-03-2004 06-05-2004 22-04-2004 11-06-2002	
03 0113700 A	05-03-2000	US US AU CA EP NZ OE DE	5919455 A 5643575 A 5681567 A 2002052443 A1 743108 B2 6463098 A 2283939 A1 0973819 A1 2001519784 T 337845 A 9841562 A1 8090294 A 2174325 A1 69427045 D1 69427045 T2	00-07-1999 01-07-1997 28-10-1997 02-05-2002 17-01-2002 12-10-1998 24-09-1998 26-01-2000 23-10-2001 30-03-2001 24-09-1998 22-05-1995 04-05-1995 10-05-2001 25-10-2001	

Information on patent family members

				<b>i</b>	
Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 6113906	A		DE	69434046 D1	04-11-2004
00 0110000	• ••		DK	788515 T3	16-07-2001
	•		EP	1055685 A1	29-11-2000
			EP	0788515 A1	13-08-1997
			JP	9504299 T	28-04-1997
			MO	9511924 A1	04-05-1995
			US	5756593 A	26-05-1998
WO 02065988	Α	29-08-2002	CA	2437989 A1	29-08-2002
	• •		EP	1362053 A2	19-11-2003
			JP	2004532289 T	21-10-2004
			ΜX	PA03007392 A	04-12-2003
•			WO	02065988 A2	29-08-2002
			US	2002183259 A1	05-12-2002
WO 2004014424	Α	19-02-2004	US	2004037802 A1	26-02-2004
NO 2001021121			WO	2004014424 A1	19-02-2004
WO 2004101600	Α	25-11-2004	WO	2004101600 A2	25-11-2004
WO 2004101606	Α	25-11-2004	WO	2004101606 A2	25-11-2004
WO 2004101611	Α	25-11-2004	WO	2004101611 A2	25-11-2004
WO 2004108070	Α	16-12-2004	US	2005003448 A1	06-01-2005
WO 2004100070	^	10 12 2004	MO	2004108070 A2	16-12-200